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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,208	12/15/2000	John R. Milton	10005368-1	1142

7590 07/13/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

TRAN, QUOC A

ART UNIT PAPER NUMBER

2176

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,208

Applicant(s)

MILTON, JOHN R.

Examiner

Quoc A. Tran

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This action is responsive to Amendment A, filed 05/19/2004.
2. Claims 1-17 are currently pending in this application. Claims 1, 7, and 12 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated over Langford-Wilson, US Patent No. 5,953,733 issued Sep. 14, 1999 filed Jun. 21, 1996 (hereinafter '733).**

In regard to independent claim 12, '733 teaches, Automatically builds the final layout, including transparently resizing the selected layout and its elements to suit the new size specified by the user, in accordance with the rules that have been defined for that layout, col. 4, lines 5-9; compare with claim 12 "*automatically reducing a length of an original article in a computer system to fit within a predefined space allocation of a publication*" (i.e. Newshole: We have used this term to describe a component of a page, see '733 col. 2, line 43-44).

In regard to dependent claim 13, '733 teaches, allow the publication to store/remove Sections, Styles, Families, Children and Cousins to/from the database, col. 5, lines 37-38; compare with claim 13 "*storing the original article in a memory of the computer system*", and "*storing the pruning copy in the memory*",

'733 also teaches, a newshole is filled in accordance with a design, and resizing of the newshole takes place if the fit is not in accordance with predetermined criteria, col. 3, lines 4-7; compare with claim 13 "*creating a pruning copy of the original article to be reduced*",

733 also teaches, automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build the new layout and/or use it to replace the previous one, col. 4, lines 15-22; compare with claim 13 "*comparing a pruned content of the pruning copy with a content of the original article to determine an informational adequacy of the pruned content*".

In regard to dependent claim 14, '733 teaches, provides a mechanism by which text and images for publishing can be prepared and/or edited, col. 1, lines 6-7; compare with claim 14 "*removing a last paragraph of the pruning copy*".

In regard to dependent claim 15, '733 teaches, reads the size of the target layout, notes the Section and the Layout Style requested, and searches for Families within the Section/Style which contain Children whose minimum size is smaller than or

equal to the target's and whose maximum size is equal to or greater than the target's, col. 8, lines 45-50; compare with claim 15 "*obtaining a first value measuring the content of the original article by performing an analysis of the content of the original article; obtaining a second value measuring the content of the pruning copy by performing an analysis of the content of the pruning copy; and comparing a ratio of the first value to the second value to a predefined threshold ratio*".

In regard to dependent claims 16, and 17, '733 teaches, automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build the new layout and/or use it to replace the previous one, col. 4, lines 15-22; compare with claim 16 "*discarding the original article and the pruned copy if the informational adequacy of the pruned content is insufficient to publish*", and to claim 17 "*including the pruned copy in a publication if the informational adequacy of the pruned content is sufficient to publish*".

In regard to independent claim 1, is directed to a system for performing the method of claim 12, and is similarly rejected under the same rationale.

In regard to dependent claim 2, is directed to a system for performing the method of claim 13, and is similarly rejected under the same rationale.

In regard to dependent claim 3, is directed to a system for performing the method of claim 14, and is similarly rejected under the same rationale.

In regard to dependent claim 4, is directed to a system for performing the

method of claim 15, and is similarly rejected under the same rationale.

In regard to dependent claim 5, is directed to a system for performing the method of claim 16, and is similarly rejected under the same rationale.

In regard to dependent claim 6, is directed to a system for performing the method of claim 17, and is similarly rejected under the same rationale.

In regard to independent claim 7, is directed to a system for performing the method of claim 13, and is similarly rejected under the same rationale.

In regard to dependent claim 8, is directed to a system for performing the method of claim 14, and is similarly rejected under the same rationale.

In regard to dependent claim 9, is directed to a system for performing the method of claim 15, and is similarly rejected under the same rationale.

In regard to dependent claim 10, is directed to a system for performing the method of claim 16, and is similarly rejected under the same rationale.

In regard to dependent claim 11, is directed to a system for performing the method of claim 17, and is similarly rejected under the same rationale.

Response to Argument

Applicant's arguments filed 05/19/2004 have been fully considered but they are not persuasive. In response to applicant's arguments on pages 2-3, that '733 does not disclose, reducing a length of an original article in a computer system to fit within a predefined space allocation of a publication. The examiner respectfully disagrees, as taught by '733 at col. 4, lines 5-9 (i.e. Automatically builds the final layout, including

transparently resizing the selected layout and its elements to suit the new size specified by the user, in accordance with the rules that have been defined for that layout and/or); and further taught by '733 at col. 1, lines 5-10 (i.e. The present invention relates to electronic and printed publishing and provides a mechanism by which text and images for publishing can be prepared and/or edited). Further, Applicant's arguments on page 3, that '733 does not teach, ...text is not discard,...article has been compromised due to a reduction in length. The examiner respectfully disagrees, it is noted that the features upon which applicant relies (i.e., text is not discard,...article has been compromised due to a reduction in length) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore claims 12 and 1, remain rejected. Since the independent claims 1, and 12, are remains rejected leads to the rejection of their dependency claims 2-6, and 13-17 as well.

Further more Applicant's arguments on pages 4-5, that '733 fails to show or suggest, creating a copy of an original article that is to be reduce in length, storing both the original article in a memory and a punning copy of the original article in the memory, comparing the pruned content of the printing copy with the content of the original article to determine an informational adequacy of the printed content as claimed in claim 13. The examiner respectfully disagrees, as taught by '733 at col. 5, lines 37-38 (i.e. ...allow the publication to store/remove Sections, Styles, Families, Children and Cousins to/from the database...); and further taught by '733 at col. 3, lines 4-7 (i.e. ... a newshole is

filled in accordance with a design, and resizing of the newshole takes place if the fit is not in accordance with predetermined criteria...); and further taught by '733 at col. 4, lines 15-20 (i.e. ...automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build the new layout and/or use it to replace the previous one...), and further taught by '733 at col. 5, lines 50-55 (i.e. ...checks for any existing Children within that Family that may have a conflicting size range and automatically resolves that conflict...). Therefore claim 13 remains rejected.

Further more Applicant's arguments on pages 5-6, that '733 fails to show or suggest removing a last paragraph of the printed copy as set forth in claim 14. The examiner respectfully disagrees, as taught by '733 at col. 1, lines 6-7 (i.e. ... provides a mechanism by which text and images for publishing can be prepared and/or edited (i.e. prepared and/or edited is analogous phase to 'add or delete')). Therefore claim 14 remains rejected.

Further more Applicant's arguments on pages 6-7, that '733 fails to show or suggest obtaining a first value measuring the content of the original article by performing an analysis of the content of the original article; obtaining a second value measuring the content of the pruning copy by performing an analysis of the content of the pruning copy; and comparing a ratio of the first value to the second value to a predefined threshold ratio as set forth in claim 14. The examiner respectfully disagrees,

as taught by '733 at col. 4, lines 15-22 (i.e. ... reads the size of the target layout, notes the Section and the Layout Style requested, and searches for Families within the Section/Style which contain Children whose minimum size is smaller than or equal to the target's and whose maximum size is equal to or greater than the target's... (i.e. prepared and/or edited is analogous phase to 'add or delete')), and further taught by '733 at col. 625, line 25 through col. 7, line 10 (i.e. ... Description of Resizing Expressions... allow relationships to be defined between the various elements of a layout (Child or Cousin), such as the headline, subheading pictures, captions, bylines, body text and so on... A fixed-difference relationship. In this case, the software measures the actual difference between two values, and maintains that. For example, a picture may be 5 cm (2 inches) shorter than the total layout; specifying its depth to remain a "fixed difference" from the layout's depth would maintain the picture at 5 cm less than the layout's depth, even if the layout is resized... the user might specify a picture's depth to be 50% of the newshole depth, plus 2 cm... Maximum limit may also be placed on an element's width or depth, which will not be exceeded (i.e. threshold ratio)). Also it is noted that the features upon which applicant relies (i.e., whether the content may be compromised in the pruning copy due to the reduction of its Length) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore claim 15 remains rejected.

Further more Applicant's arguments on pages 8-9, that '733 fails to show or suggest discarding the original article and including the pruned copy for publication if it is sufficient. The examiner respectfully disagrees, as taught by '733 at col. 8, lines 45-50 (i.e. ... automatically adjusting the layout (or its elements) to accommodate or suit the ... and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build the new layout and/or use it to replace the previous one...). Therefore claims 16-17 remain rejected.

Finally, Applicant's arguments on page 9 that claim 1-11 have been rejected for the same rationale as applied to claims 12-17. Accordingly, Applicant asserts that the rejection of claims 1-11 is improper for the same reasons discussed above with respect to claims 12-17. Accordingly, Applicant requests that the rejection of claims 1-11 be withdrawn. The examiner respectfully disagrees, since claims 12-17 is rejected as cited above, that leads to the rejection of the systems of claims 1-11 for performance their methods, and are rejected in the same rational.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

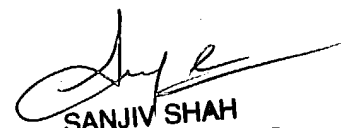
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (703) 305-8781. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran
Patent Examiner
Technology Center 2176
July 02, 2004


SANJIV SHAH
PRIMARY EXAMINER